



Attorney Docket No.: 213187-00008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bates et al
Application No.: 10/786,777
Title: SYSTEM AND METHOD FOR
TRACKING AN OBJECT AND
LINKING INFORMATION
THERE TO
Filing Date: Feb. 25, 2004
Group Art Unit: ~~Not Assigned~~ 2621
Examiner: Not assigned

CERTIFICATE OF MAILING

) I hereby certify that this paper is being deposited
) with the United States Postal Service as first class
) mail in an envelope addressed to:
) Mail Stop Petition
) Commissioner for Patents
) P.O. Box 1450
) Alexandria, VA 22313-1450, on this date.

) 92305 Janelle A. Wiggins
) Date Janelle A. Wiggins

Confirmation No. 3714

Petition to Make Special
(37 CFR §1.102 and MPEP §708.02)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby petitions under 37 CFR §1.102 and MPEP §708.02 to make the above-identified application special based on actual infringement of the pending claims in the above-identified patent application. Accompanying this Petition are the following:

- Preliminary Amendment
- Petition Fee

Remarks

MPEP §708-02, VIII requires the following criteria to be satisfied in order to prevail on a Petition to Make Special based on infringement:

“(A) that there is an actual infringing device or product actually on the market or method in use:

(B) that a rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and that in his or her opinion, some of the claims are unquestionably infringed; and

(C) that he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.”

It is respectfully submitted that the above identified application meets the criteria set forth above. In particular, the undersigned respectfully asserts that an infringing product is actually on the market and that upon a comparison of a product on the market with the current claims, it is my opinion that at least some of the claims are unquestionably infringed. It is also submitted that a search of the prior art has been conducted. An Information Disclosure Statement identifying prior art was filed in this case on June 1, 2005. A Supplemental Information Disclosure Statement is included herewith as well.

The amount of \$130.00 is required under 37 CFR §1.17(h). Should it be determined that additional fees are required, the United States Patent and Trademark Office is hereby authorized to charge \$130.00 plus any additional fees to Deposit Account No. 50-1214 of the undersigned.

All of the claims presented in the above-identified application, as amended by way of a Preliminary Amendment filed herewith, are directed to a single invention.

Based on the above, the applicant respectfully requests favorable consideration of the Petition.

KATTEN MUCHIN ROSENMAN LLP

By: 

John S. Paniaguas

Registration No. 31,051

Date: September 23, 2005

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